

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JANE UTAUS-VA DOE,

Plaintiff,

v.

THE UNIVERSITY OF TEXAS AT AUSTIN,

Defendant.

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1:19-CV-451-RP

FINAL JUDGMENT

On September 9, 2019, Plaintiff JANE UTAUS-VA DOE (“Doe”) dismissed all claims in this case without prejudice by stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Dkt. 5). Rule 41(a)(1)(A)(i) allows a plaintiff to voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer or a motion for summary judgment. Defendant the University of Texas at Austin (“UT-Austin”) has not filed an answer or a motion for summary judgment. Though UT-Austin has filed a motion to dismiss, (Dkt. 4), “only the filing of an answer or motion for summary judgment terminates the plaintiff’s unilateral right to dismiss the action by notice.” *In re Amerijet Int’l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015), *as revised* (May 15, 2015); *see also Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977) (a motion to dismiss is not “treated as the equivalent of an answer”). Doe’s notice is therefore “self-effectuating and terminates the case in and of itself; no order or other action of the district court is required.” *Amerijet Int’l*, 785 F.3d at 973.

As nothing remains to resolve, the Court renders Final Judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that the case is **CLOSED**.

All pending motions in this case are **DISMISSED AS MOOT**.

IT IS ORDERED that each party bear its own costs.

SIGNED on September 10, 2019.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE